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PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

SEP 01 2005

In re Application of:

KEVIN SCHMITT

Serial No.: 10/713,439

Filed: 14 November 2003

Docket: TCC-102

Title: METHOD AND APPARATUS FOR
DETERMINING A COLOR AND
BRIGHTNESS OF AN LED IN A CIRCUIT
BOARD

DECISION ON PETITION TO
MAKE SPECIAL UNDER
37 C.F.R. § 1.102(d)
[INFRINGEMENT]

This is a decision on the petition filed on October 21, 2004, to make the above-identified application special under the procedure set forth in MPEP § 708.02(II) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

In support of the petition, the petition provides the requisite fee, a copy of the references deemed most closely related to the subject matter encompassed by the claims, and a statement by the applicant through his attorney.

For an application to be made special under MPEP § 708.02(II) in accordance with 37 C.F.R. § 1.102(d), a petition must include the requisite petition fee, a copy of the references deemed most closely related to the subject matter encompassed by the claims, and a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

- (A) That there is an infringing device of product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has good knowledge of the pertinent prior art.

The requirements of MPEP § 708.02(II) are considered to have been met. The application will be advanced out of turn for examination, and will continue to be treated as special throughout the entire prosecution in the Office according to the procedure set forth in MPEP § 708.02.


The application file is being forwarded to the examiner for expedited prosecution.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components